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021904UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 04mj1025

GAVINO BARRERA

MOTION FOR DETENTION HEARING

The United States moves for pretrial detention of defendant, pursuant to 18 U.S.C. Section 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because it involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. Section 3156)  
☒ Maximum sentence life imprisonment or death  
☒ 10 plus years drug offense  
☐ Felony, with two prior convictions in above categories  
☒ Serious risk defendant will flee  
☐ Serious risk of obstruction of justice

2. Reason for Detention. The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- ☒ Defendant's appearance as required  
☒ Safety of any other person and the community

3. Rebuttable Presumption. The United States (will, will not) invoke the rebuttable presumption against defendant under Section 3142(e). (If yes) The presumption applies because (check one or both):

✓  
\_\_\_\_ Probable cause to believe defendant committed 10  
plus year drug offense or firearms offense, 18 U.S.C. Section  
924(c)

\_\_\_\_ Previous conviction for "eligible" offense  
committed while on pretrial bond

4. Time for Detention Hearing. The United States requests,  
the court conduct the detention hearing,

\_\_\_\_ At first appearance

\_\_\_\_ After continuance of 3 days (not more than 3)

5. Witnesses. The United States intends to call the  
following witnesses: proffer

The amount of time for direct examination of these witnesses  
is estimated to be: one-half hour.

6. Other Matters.

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DATED this 20 day of February, 2004.

Kan J. Mosch  
Assistant United States Attorney